

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JAMES E. DAVIS, *et al.*,

PLAINTIFFS

v.

CIVIL ACTION NO. 3:11-CV-093-M-A

**ACA FINANCIAL GUARANTY CORPORATION
And JOHN DOES One through Ten,**

DEFENDANTS

ORDER DENYING MOTION TO COMPEL

On October 17, 2013, plaintiffs filed a motion to compel discovery responses. Docket 124. Discovery has been stayed for an extended period by agreement of the parties because this court has been awaiting a relevant decision from another district. Nevertheless, there currently is no stay of discovery, and there are scheduling deadlines that must be met, including expert designation deadlines.

Defendant ACA has responded to the motion to compel and indicated that it has provided some responses to the outstanding discovery. Docket 143 & 144. In their reply to defendant's response to the motion, plaintiffs state that the parties are making every attempt to work together and anticipate that defendant will provide complete discovery responses by November 15, 2013. Docket 148.

In light of the parties' cooperation and the recent activity in this case, the court denies plaintiffs' motion to compel without prejudice. However, if the defendant's discovery responses prove to be deficient, incomplete, or if plaintiff has difficulty in receiving responsive information in a timely manner, the court will address the issue promptly. The parties, collectively, are

warned that there is no time for further delay in this case. The current deadlines and trial setting will not allow for any extensions of time, and none will be granted.

SO ORDERED, this, the 12th day of November, 2013.

/s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE